

Building Code Commission

2008 – 2009 Annual Report

**Ministry of
Municipal Affairs
and Housing**

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**TO THE LIEUTENANT GOVERNOR
OF THE PROVINCE OF ONTARIO**

MAY IT PLEASE YOUR HONOUR:

For the information of Your Honour and the Legislative Assembly, we have the privilege of presenting the Annual Report of the Building Code Commission for the 2008-09 fiscal year.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jim Watson".

The Honourable Jim Watson
Minister of Municipal Affairs and Housing

**Building Code
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June 26, 2009

The Honourable Jim Watson
Minister of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, Ontario
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Dear Minister Watson:

Re: Building Code Commission
Annual Report – Fiscal year 2008 - 2009

It is my pleasure, as Chair of the Building Code Commission (BCC), to present to you the BCC's Annual Report for the fiscal year ending March 31, 2009.

The enclosed Annual Report highlights the BCC's accomplishments over the 2008 - 2009 fiscal period and outlines challenges that have been identified for the future. Overall, the BCC had a productive year, having received over 34 new applications and conducted 34 hearings. In addition, the BCC received two applications involving disputes related to the time periods prescribed by the Building Code. A number of Commission members were reappointed during the 2008 - 2009 fiscal cycle enabling the BCC to continue to effectively carry out its mandate.

I would like to thank my fellow Commission members whose knowledge and dedication have earned the BCC an excellent reputation as a valuable service provider in the building and construction industry. On behalf of all members of the Commission, I would also like to express our thanks to the staff of the Ministry of Municipal Affairs and Housing for their exemplary expert support to the BCC. Without their excellent administrative, technical and legal assistance the BCC simply could not function.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tony Chow', with a stylized flourish at the end.

Tony Chow, Chair
Building Code Commission

encl.

Building Code Commission

2008 – 2009 Annual Report

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Building Code Commission 2008 – 2009 Annual Report

A. MANDATE

The Building Code Commission (BCC) is an adjudicative agency whose legislative authority is set out in sections 23 and 24 of the *Building Code Act, 1992* (BCA).

In the past, the BCC's mandate was to resolve disputes between proponents of construction projects and local enforcement officials involving the technical requirements of the Building Code. The BCC was charged with the authority to rule on disputes involving the interpretation of the Code requirements and/or disputes involving sufficiency of compliance of a site-specific construction project with the prescriptive technical requirements of the Code.

In recent years, however, the mandate of the BCC has been altered and expanded. In July 2003, the BCA was amended through the *Building Code Statute Law Amendment Act, 2002* (Bill 124). The BCC's mandate was expanded to include responsibility for the adjudication of disputes involving compliance with the legislated time frames for conducting site inspections as of July 2005. Further, on January 1, 2006 the mandate was again expanded to include responsibility for disputes involving compliance with the legislated time frames for processing building permit applications at the municipal level.

In addition to these new responsibilities, the BCC's mandate was altered by the *Building Code Statute Law Amendment Act, 2002* to remove the interpretive powers from the BCC. The Commission may now only rule based on sufficiency of compliance with the technical requirements of the Code. This was intended to avoid conflict/duplication of powers now included in section 28 of the BCA, which permits the Minister to issue binding interpretations of the Building Code.

Commitment to Service and Guiding Principles

The inaugural meeting of the BCC was held on February 9th, 1976, shortly after the BCA came into effect. Since then – more than a quarter century and over 1,000 hearings later – the BCC has endeavoured to provide a timely, low-cost and non-adversarial process for resolving Building Code disputes through a streamlined and accessible appeals system. In doing so, the BCC has earned a reputation of being an effective, useful and high quality adjudicative body within the construction industry.

As an agency authorized under the BCA, the BCC exercises powers and performs duties in accordance with its mandate under that statute. The agency's adjudicative decisions must be made, and be seen by the public to be made, independently and impartially. The BCC makes decisions at "arm's length" from the ministry and the government of Ontario. As an agency of government, the BCC conducts itself according to the management principles of the government of Ontario. The Commission's proceedings are governed by the *Statutory Powers Procedure Act*, the BCA and the BCC's Guidelines, Policies and Procedures. These principles and governance elements include ethical behavior, accountability, excellence in management, wise use of public funds, and high-quality service to the public by contributing to the health, safety, accessibility and energy efficiency of buildings in Ontario and by playing a positive role within Ontario's construction sector. The BCC acknowledges that it is accountable to the government in exercising its mandate. This accountability is a fundamental principle that is observed in the management, administration and operations of the BCC.

B. ABOUT THE BCC

Authority of BCC

The statutory authority for the BCC is found in sections 23 and 24 of the BCA. The BCA sets out three types of disputes that can be heard by the BCC: those relating to the sufficiency of compliance with the technical requirements of the Building Code (BCA Clause 24(1) (a)); those related to compliance with the prescribed time frames for permit processing (BCA Clause 24(1)(b)); and, those related to compliance with the prescribed time frames for site inspections (Clause 24(1)(c)). Section 24 of the BCA also stipulates that the dispute must be between a chief building official, inspector or Registered Code Agency (generally the Respondent) and an applicant for a permit, a holder of a permit, or a person to whom an order is given (generally the Applicant).

BCC Process and Procedures

Application Processing Procedures – Technical Disputes

The process leading to a BCC hearing begins with the receipt of an Application. Applications are generally assigned hearing dates based on chronological order of their receipt. Once an Application is submitted, a Confirmation of Dispute (COD) form is sent to the Respondent (either a municipal building department, Registered Code Agency, health unit or a conservation authority). The COD is quite similar to the application form. Its purpose is twofold; 1) to verify that there is a dispute involving the technical requirements of the Building Code; and, 2) to allow the Respondent to explain their position on the issue. The Respondent is allowed approximately one to two weeks to complete the COD and return it to the BCC.

Upon receipt of the COD from the Respondent, the BCC then, under their authority in Section 24(6) of the BCA, requests a technical report from the Building and Development Branch of the Ministry of Municipal Affairs and Housing. This report, known officially as the Technical Background Information (TBI) memo, analyzes the issue at hand with regard to the provisions of the Building Code identified as being relevant to the disputed matter. The TBI examines the history, technical considerations, and proposed amendments (if any) regarding the pertinent Building Code provision(s). Branch staff are given a full set of materials submitted by the parties for consideration in preparing the TBI.

Parallel to this TBI process, the BCC arranges the time, date and place of a hearing, as well as the composition of the panel. A quorum of three members is required (BCA Section 23(5)), except in the case of Part 8 (sewage system) and time frame appeals, for which one member may preside over a hearing (Division C, Article 2.2.1.2. of the Building Code). Also, during this phase, both parties and their representatives are contacted to inform them of arrangements for the hearing in advance of the proposed date.

The week before the hearing, notice packages are sent to the Applicant, the Respondent and their representatives. These packages contain the formal notice of the hearing, which the BCC is legally required to send (BCA Section 24(2)), the TBI and a cover letter asking for written confirmation of their attendance. Also at this time, the presiding panel is provided with a complete package of information, including a copy of the Application, the Confirmation of Dispute and the Branch TBI, for individual review prior to the hearing.

Application Processing Procedures – Time Frame Disputes

Similar to the initiation of the process for technical disputes, the process for considering

disputes involving prescribed time frames begins with the receipt of a completed Application by the BCC Secretary. Upon receipt of a completed Application, the BCC Secretary will immediately contact the named Respondent to advise of the appeal and determine whether a copy of the Application has been provided to the Respondent by the Applicant, as is required under the procedures established by the BCC.

Following this initial contact, and within one day of receiving an Application, the BCC Secretary will write to the Respondent and request that they reply to the Application within two days. Parallel to this process the Secretary makes all arrangements necessary for the hearing to be held within the prescribed five business days from the date of receipt of the Application, in accordance with Division C, Article 2.2.1.3. of the Building Code. Once a date has been established and arrangements are confirmed, including the assignment of a hearing panel, the Secretary will send the Notice of Hearing to the parties.

Unlike the process for technical disputes, staff from the Building and Development Branch are not called upon to provide any technical background information. The decision of the BCC in respect of these service level disputes is generally administrative and based on the facts as presented by both parties and the prescriptive time frames established by the Act and the Code.

Hearing Procedures

BCC hearings for both types of disputes, while generally informal, are conducted in accordance with the procedural rules established under the BCA and with the *Statutory Powers Procedure Act*. This is the law that governs the conduct of many of the agencies, boards and commissions in Ontario. Compliance with this law ensures that processes and procedures before and during hearings will be fair and just.

The BCC Chair, Vice-Chair, or Chair-Designate for the day conducts the hearing. Hearings begin with introductions and preliminary matters, such as identification of exhibits. Parties can represent themselves, but often choose a designated agent such as a contractor, architect, a building and fire code consultant or a lawyer.

The Applicant is provided the opportunity to present his/her case first. The Respondent then articulates his/her position. If either party wishes, they may call witnesses to present evidence at a hearing. Except in the case of time frame disputes, the next person to present evidence is a Building Code Advisor from the Building and Development Branch. The Advisor provides a verbal summary of the Branch's TBI regarding the matter. After each presentation, the panel and the parties may ask questions or cross-examine. The hearing concludes with both the Applicant and the Respondent summarizing their cases and addressing any questions that may have arisen during the testimony of others.

Verbal decisions are usually provided within a day or two following the hearing. The BCC then produces a written decision, which is normally available within three or four months. The entire process from receipt of application to hearing normally takes about six to eight weeks, depending on the volume of applications and timeliness of all parties providing the required documentation.

Members and Staff

During the 2008 – 2009 fiscal year, the BCC had a total of 17 part-time members, including the Chair and three Vice-Chairs. All members are appointed by an Order-in-Council for two, three or five year terms. Effective September 1, 2006, the policy governing appointees to adjudicative and regulatory agencies was modified. The Management Board developed a *Government*

Appointees Directive, which included an increase to the length of term for appointees as well as an increase in remuneration. As a result, individuals appointed to the BCC may now serve a combined term of appointment of up to 10 years. Commission members preside over hearings and render decisions on disputes. The Chair and Vice-Chairs are also responsible for making administrative decisions regarding operations and relations with the Ministry.

The BCC is provided with secretariat, technical and administrative support through the Ministry of Municipal Affairs and Housing's Building and Development Branch. Legal advice is provided through the Ministry's Legal Services Branch.

The BCC's direct support staff consists of a 0.4 Full Time Equivalent (FTE) Coordinator, Building Innovation, 1.0 FTE Commission Secretary and a 0.4 FTE administrative assistant. Among other things, Commission staff are responsible for:

- case management of applications, including review of submissions to ensure that all prescribed information and documentation has been submitted;
- customer service/general inquiry response;
- communicating with and assisting persons considering applying to the BCC for resolution of their dispute;
- liaising with the applicant and respondent throughout the application process;
- liaising with the technical staff of the Building and Development Branch to obtain their technical background information report; and
- carrying out directions from the BCC.

The Commission's Coordinator of Building Innovation is responsible for the overall administration and policy development for the BCC. This involves:

- monitoring appointments;
- issues management;
- business planning;
- performance measurement;
- monitoring of expenditures; and
- ensuring compliance with agency sector requirements and Treasury Board/Management Board of Cabinet directives.

C. ANALYSIS OF BCC PERFORMANCE

2008 – 2009 Caseload

The BCC can hold between six to ten hearings in a month, however, the number of applications received dictates the number of hearings the BCC needs to schedule. For the current reporting cycle, the BCC received 34 new applications and held 34 hearings. Verbal decisions are usually provided within one or two days following the hearing and, ultimately, a written decision is issued by the BCC. For the purpose of expediency, the BCC Secretary, upon request, will issue the BCC's Partial Ruling, which includes the Decision of the Commission, any associated conditions and all written reasons. This may be done in advance of the release of the full-length decision which will also include a description of the construction, an outline of the Code provisions that are in dispute, and will summarize the positions of both parties as presented at the hearing.

The BCC has received the following number of applications over the last five years:

Fiscal Year	Building Applications	Septic Applications	Permit Time Period Applications	Inspection Time Period Applications	Total Applications
2004-2005	60	15	N/A	N/A	75
2005-2006	61	9	0	0	70
2006-2007	42	18	4	0	64
2007-2008	47	11	3	0	61
2008-2009	25	7	2	0	34

Fiscal Year	Total Hearings
2004-2005	63
2005-2006	59
2006-2007	59
2007-2008	47
2008-2009	34

- *Note: difference in application vs. hearing totals may be attributed, in part, to matters being resolved between the parties before a hearing is held.*

With the introduction of the 2006 Building Code, the BCC anticipated an increase in the number of applications; however, the application rate for the last two fiscal years has been slightly lower than in the preceding fiscal cycles. It is possible that with the objective-based format of the 2006 Building Code that building officials have been utilizing their authority to accept alternative

solutions, and consequently disputes may have been resolved locally rather than through application to the BCC.

While the number of applications to the BCC may have decreased slightly over the last five years, the complexity of the applications has increased. In addition, the BCC has also seen an increase in the number of applications requiring the Commission to examine and determine its jurisdiction and mandate relative to disputes that may extend beyond the technical requirements of the Building Code.

Over the 2008 – 2009 fiscal period the BCC received a total of two applications for a determination on disputes involving whether the principal authority (e.g., the municipality) complied with the prescribed time frames established for processing building permit applications. In this regard, the BCC is required by regulation to conduct a hearing within five business days of the receipt of an application. In all instances, the BCC met this prescribed deadline. In one of the cases, the BCC ruled in favour of the respondent; determining that the respondent complied with the applicable time frame. In the other case, the BCC ruled in favour of the applicant; determining that the respondent failed to comply with the applicable time frame.

To date, the BCC has not received an application for hearing related to the prescribed time frames established for performing site inspections.

Performance Measures and Targets

The Commission has adopted the recommendations for performance measurement established by the Agency Reform (Guzzo) Commission. These are: fairness, accessibility, timeliness, quality and consistency, transparency, expertise, optimum cost, and courtesy. While not all of the goals were rated as "high" by the BCC, there are processes in place to ensure that all goals are integrated into the Commission's operation and are, therefore, adequately addressed. The chart below indicates the goals which the BCC rated as "high".

Goals	Ranking
Fairness	High
Accessibility	Low
Timeliness	High
Quality and Consistency	Medium
Transparency	High
Expertise	High
Optimum Cost	Low
Courtesy	High

Several steps have been taken to enhance the BCC's performance and accountability over the past several years, including incorporating performance measurement in the ministry's business planning process and introducing Commission-specific performance measures (Guzzo Report recommendations). Overall, the Commission has surpassed its targets for high rated goals. Performance measures based on these goals are found in Appendix 1.

Fairness

- The stated target of no more than two complaints or judicial reviews was again met in the 2008 - 2009 fiscal year. Survey results for the 2008 - 2009 fiscal year indicate that 100% of clients surveyed agreed that they were treated fairly.

Timeliness

- Based on figures from the 2008 - 2009 fiscal year, the current average wait time from receipt of an application to a hearing at the BCC is 40 working days. The BCC met its stated target of 40 working days. In addition, the BCC has maintained its target of an average of 20 working days to hearing from the receipt of the Respondent's confirmation of dispute. These figures do not include the wait time associated with service level appeals, which require a turn-around time from the date of application to the date of hearing of not more than 5 business days. In this regard, figures for the 2008 - 2009 fiscal confirm that 100% of service level disputes were heard within 5 days from the date of application.

Transparency

- Survey results of the parties that utilized Commission services in the 2008 - 2009 fiscal year indicated that 95% of respondents felt that the processes and procedures were clear and understandable.

Expertise

- Survey results of the parties that utilized the Commission services in the 2008 - 2009 fiscal year indicated that 98% of respondents felt that members demonstrated an appropriate level of expertise regarding the technical matters under consideration.

Courtesy

- Survey results of the parties that utilized the Commission services in the 2008 - 2009 fiscal year indicated that 100% felt that they were treated with courtesy by Commission staff throughout the application process and 95% felt that they were treated with courtesy by the BCC members.

Operational Performance

The BCC believes that in order to provide quality service to the public and the construction sector in particular, the Commission, as an agency, must operate as effectively and efficiently as possible. This means more than having performance measurements in place to strive for service excellence on a day-to-day basis. It also means pursuing excellence from an operational and administrative standpoint over the long term. In order to achieve this, the BCC also assesses itself on its operational performance. As with the above performance measures, operational excellence ensures accountability, the following are some of the operational achievements from 2008 - 2009:

- Two members of the BCC, whose terms of appointment were set to expire in 2008, were reappointed to the BCC for an additional term. In addition, a former member of the Commission was appointed to the BCC. With the reappointment of these members the Commission was operating with an ideal number of members. The appointment of additional members with expertise in plumbing, on-site sewage systems and heating ventilation and air conditioning may be appropriate to ensure that the Commission membership reflects the full spectrum of technical disciplines necessary to make determinations on a variety of disputes. BCC staff have committed to meeting a target of providing two months notice to the Minister's Office regarding the pending expiration of a member appointment.

- The BCC is staffed by one full time Commission Secretary and by the Coordinator of Building Innovation and an administrative assistant, who represent 0.4 full time equivalents as their time is divided between the BCC, the Building Materials Evaluation Commission, Minister's Rulings and binding interpretations. For the first time in a number of years, staffing resources for the BCC have remained consistent. In July 2008, a competition was held to permanently fill the position of BCC Secretary. It is hoped that staffing resources at the BCC will remain consistent for the 2009-2010 fiscal period.
- The BCC strives to meet as a full Commission on an annual basis, however, history indicates that the Commission has met every two years. At the most recent meeting of the full Commission held in March 2009, the Commission decided that it should meet as a whole more than once a year. In order to accomplish this, predetermined dates for meetings of the whole Commission were selected.
- Previously, the BCC and the Building Materials Evaluation Commission (BMEC) surveyed their clients collectively. As there are some procedural differences between the BCC and BMEC, beginning the current fiscal year, the BCC and the BMEC opted to survey their clients using separate surveys. The questions remained the same for both Commissions, however, this approach of separating survey results may provide a more accurate account of individual Commission performance.
- The BCC also decided to appoint several members to a task group in order to review its Guidelines, Policies and Procedures Handbook. It is expected that this task group will have a revised version of the Guidelines, Policies and Procedures Handbook prepared for the review of the full Commission by the Commission's Fall 2009 meeting.

Highlights of 2008 – 2009

Each year through the appeals it receives, the BCC becomes involved in important and interesting construction and building code matters. The decisions handed down by the Commission on these issues, although site-specific, are significant and are watched closely by various sectors of the industry. This past year was no exception. Among the notable decisions in fiscal year 2008 - 2009 are the following:

- Installation of an un-vented roof assembly;
- Installation of ceramic tile using the "thin-set method"; and
- Servicing multiple buildings on a single property with a single connection to the public sanitary sewer.

D. FUTURE ITEMS AND BCC PLANNING

Listed below are certain challenges on the horizon facing the BCC. In order to address these challenges and to improve its on-going client service delivery, the BCC plans to undertake the following performance and operational initiatives in the 2009 - 2010 year.

Performance Improvements

Reduced Time to Receive Written Decisions

At the BCC's General Meeting, the Commission discussed options for coping with the backlog of issuing "full" written decisions. Verbal decisions are issued to all parties within one or two days of the hearing. In the vast majority of cases, the "Ruling" and "Reasons" portions of the final decision are finalized for release within a week of the hearing, in advance of the complete decision document. The full decision document contains, not only the "ruling" and "reasons" portion but also includes a description of the construction and issue at dispute between the parties as well as a summary of the positions of the parties. There is a backlog in preparing full decisions which can largely be attributed to the turnover in staffing resources at the BCC. With the hiring of a permanent BCC Secretary, the BCC has been able to issue its written decision related to current files in a more timely fashion. The backlog of decisions prior to 2008 has not been significantly reduced and the Commission, after consultation with Legal Services Branch, has indicated that the backlog of decisions should be eliminated by considering the "ruling" and "reasons" as the Commissions' decision. It is expected that having continued stability in the staffing resources for the Commission will greatly assist in the prompt issuance of decisions.

Operational Improvements

In the coming years, several factors will impact the operation of the BCC. The increased complexity of volume of building activity in Ontario, combined with the new format of the 2006 objective-based Building Code will influence the need for appropriately skilled Commission members and, potentially impact the administrative support system required by the BCC. As well, in the last few years the BCC has noted an increase in the complexity of applications and an increasing number of applications that contain multiple disputes. The BCC has also seen an increase in the number of applications requiring the Commission to examine and determine its jurisdiction and mandate relative to disputes that may extend beyond the technical requirements of the Building Code.

The BCC will continue to respond to issues related to the broadened scope of its mandate, including the authority to make decisions involving the administration of the Act as it relates to the prescribed time frames. Skilled members and adequate staffing will be required to maintain an appropriate level of service. In addition, given the demands associated with the prescribed five day period in which the BCC must conduct a hearing for appeals involving time frame disputes, the BCC will undertake to make enhancements in service delivery, including the potential for regionalized hearings and more reliance on telephone conferencing.

For these reasons, the BCC will be reviewing operations in the following areas:

New Member Appointments

Looking ahead to the summer of 2009, the terms of appointment for a number of current members will expire. It is hoped that a majority of these members will seek an additional

term of appointment with the BCC. The Commission Chair and staff will continue to monitor the terms of appointment for the existing complement of Commission members. Appointment of additional members with expertise in plumbing, on-site sewage systems and heating ventilation and air conditioning may be appropriate to ensure that the Commission membership reflects the full spectrum of technical disciplines necessary to make determinations on a variety of disputes. BCC staff have committed to meeting a target of providing two months notice to the Minister's Office regarding the pending expiration of a member appointment.

Succession planning represents another significant appointments-related issue. Ideally, one sixth of the members should retire from the Commission in any given year. This allows for gradual phasing of members and maintains a healthy balance of veteran and newer members. The Management Board *Government Appointees Directive* included an increase to the length of term for appointees; as a result, individuals appointed to the BCC may now serve a combined term of appointment of up to 10 years. Looking ahead to 2012, the terms of appointment of a number of currently appointed members are set to expire. Many of these members may not be eligible to seek an additional term of appointment. The Commission Chair and staff will work with the Public Appointments Secretariat and the Minister's Office to seek candidates that are interested in appointment to the Commission.

Ideally, the BCC would operate with a total of 16 to 18 members, including the Chair and three Vice-Chairs. The BCC also strives to represent all regions of Ontario in its appointments. Currently, the geographic representation is adequate.

As previously discussed, the Commission Chair and staff will actively work with the Public Appointments Secretariat and the Minister's Office to maintain and improve the existing complement of expertise and regional representation in the coming years.

Human Resources

The Commission benefited from the stability of administrative and secretariat support during the 2008 – 2009 fiscal period. With the full staff complement, the BCC is better able to manage the increasingly complex applicant caseload and provide improved dispute resolution for Applicants and Respondents.

With the BCC's mandate being expanded beyond technical disputes into issues of a more administrative nature (e.g., adjudicating disputes regarding municipal compliance with time frames for permit application decisions), there may be a need for additional staff resources to support the Commission.

Annual Survey of Parties

The BCC will continue to review its process of obtaining feedback from its users. As noted previously, the Commission resolved to survey its clients separately from clients of the BMEC. This will provide the Commission with results specifically related to the service provided by the BCC, whereas, in previous years the results related to both the BCC and the BMEC. The method of delivery of the surveys continues to be reviewed. It is hoped that the Commission will continue to make use of more advanced technology and electronic surveying to increase the survey response rate and provide an enhanced evaluation of customer satisfaction.

E. FINANCIAL REPORT

There is currently no authority under the BCA to charge fees for applications to the BCC. Anyone involved in a dispute may appeal to the Commission for resolution of that dispute by simply submitting an application to the BCC Secretary.

As part-time appointees, BCC members receive remuneration in the form of a per diem as established by Treasury Board/Management Board of Cabinet. Commission members are also reimbursed for out-of-pocket expenses associated with attending BCC hearings in Toronto and elsewhere in the province, in accordance with Ministry of Municipal Affairs and Housing and Ontario Public Service guidelines. Costs and expenses associated with BCC activities, including operating costs and member per diems, form part of the overall budget for the Building and Development Branch of the Ministry of Municipal Affairs and Housing. The BCC's application rate and/or complexity of issues directly impact the Branch's budget in support of Commission activities.

Building Code Commission: Performance Measures				
Outcomes	Measures	Targets	2008 = 2009 Status	2009 = 2010 Commitments
Fairness (processes and procedures that are fair and are seen to be fair)	Parties* are satisfied that the process was implemented fairly and without bias	Not more than 10% of hearings should result in judicial review on an annual basis	No judicial reviews	Not more than 10% of hearings should result in judicial review on an annual basis
Timeliness (quick resolution of technical construction disputes)	a) Average number of days from application to hearing b) Average number of days from receipt of respondent's confirmation of dispute c) Percent of verbal decisions released the following working day after a hearing d) Timely posting of final written decisions on BCC internet site	a) Hearings held an average of 40 working days from receipt of application b) Hearings held an average of 20 working days from receipt of respondent's confirmation of dispute c) Verbal decisions released within one or two days following the hearing in 75% of all hearings d) Post 80% of final written decisions on the BCC internet site within 10 working days of completion	a) Hearings held an average 40 working days from the date of application b) Hearings held an average 20 working days from receipt of respondent's confirmation of dispute c) Verbal decisions released within one or two days following the hearing for 80% of hearings d) Final written decisions posted on the BCC internet site within 10 working days of completion for 85% of hearings	a) Hearings to be held an average of 40 working days from application b) Hearings to be held an average of 20 working days from receipt of respondent's confirmation of dispute c) Verbal decisions released within one or two days following the hearing in 75% of all hearings d) Post 85% of final written decisions on the BCC internet site within 10 working days of completion
Transparency (clear and understandable process and procedures)	Parties are satisfied that the BCC process and procedures were clearly understood	That 75% of the parties surveyed felt that the process and procedures were clear and understandable	2008/09 Survey results of Commission clients show that 100% of responding parties felt that the process and procedures were clear and understandable	That 80% of the parties surveyed felt that the process and procedures were clear and understandable
Expertise (Sound Commission decisions made due to technical competence of members)	a) Parties are satisfied that the BCC members demonstrated an appropriate level of knowledge and technical competency b) Timely notice to the Minister's Office regarding upcoming commission member vacancies	a) That 80% of parties surveyed felt that the members were experts in the subject matter of the hearing b) Provide two months notice to the Minister's Office in advance of member's appointments expiring	a) 2008/09 Survey results of Commission clients show that 96% of responding parties were satisfied that members were experts b) The Minister's office was provided with two months notice in advance of member appointments expiring in the in fiscal year 2008/09.	a) That 85% of parties surveyed felt that the members were experts in the subject matter of the hearing b) Provide two months notice to the Minister's Office in advance of member's appointments expiring

Building Code Commission: Performance Measures				
Outcomes	Measures	Targets	2008 – 2009 Status	2009 – 2010 Commitments
Courtesy (polite and courteous treatment of all parties)	Parties are satisfied that they were treated with courtesy throughout the application process and at a hearing	That 75% of parties surveyed felt that they were treated with courtesy throughout the application process and the hearing	2008/09 Survey results indicate that 100% of clients felt that they were treated with courtesy by Commission staff throughout the application process and 95% felt that they were treated with courtesy by the BCC members at the hearing	That 85% of parties surveyed felt that they are treated with courtesy throughout the application process and the hearing

* In this Table the "parties" being referred to are those recognized by the *Building Code Act, 1992*, namely BCC Applicants (i.e. applicants for building permits, holders of building permits or persons to whom an order has been issued) and Respondents (i.e. municipal enforcement officials and their designates).

Appendix 2

Agency: Building Code Commission Membership List

Commission Members	Original Appointment Date	Expiry Date of Current Appointment	Area of Expertise/Qualifications	Location
Tony Chow, Chair	February 27, 2002	April 30, 2012	♦Chief Building Official	Thornhill
Judith Beauchamp, Vice-Chair	May 31, 2000	February 3, 2012	Civil Engineer – on-site sewage system specialist	Waterloo
Leslie Morgan, Vice-Chair	June 22, 2006	June 21, 2009	Consulting Engineer	Mississauga
Prabhakar Mahant, Vice-Chair	January 15, 2007	January 14, 2009	♦Building Official	Toronto
Gary Burtch	August 21, 2001	September 2, 2010	Homebuilder	Haliburton
Neal Barkhurst	July 5, 2004	June 30, 2012	Architect	Toronto
Gerry Egberts	July 5, 2004	June 30, 2012	Engineer	Willowdale
Susan Friedrich	July 5, 2004	June 30, 2012	Architect	Toronto
Yaman Uzumeri	July 5, 2004	June 30, 2012	♦Chief Building Official	Toronto
Rick Florio	September 17, 2004	June 30, 2012	Electrical Engineering Technologist	Toronto
Edward Link	August 11, 2004	August 10, 2012	♦Chief Building Official – Consulting Engineer	Windsor
James Wilkinson	August 25, 2004	August 24, 2012	Concrete Manufacturer	Dundas
Douglas Clancey	May 30, 2006	May 29, 2009	Architect	Ottawa
Alison Orr	June 28, 2006	June 27, 2009	Engineer	Dundas
Eric Gunnell	June 28, 2006	June 27, 2009	Consulting Engineer – on-site sewage system specialist	Toronto
Marina Huissoon	June 30, 2006	June 29, 2009	Architect	Milton
Mina Tesseris	June 30, 2006	June 29, 2009	Consulting Engineer	Wasaga Beach

(♦ Indicates former occupation and that member is retired)